United Nations S/2005/302

Security Council

Distr.: General
6 May 2005

Original: English

Report of the Security Council mission to Haiti, 13 to 16 April 2005

I. Introduction

1. In his letter dated 31 March 2005 (S/2005/220), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to Haiti from 13 to 16 April, which would be led by Ambassador Ronaldo Mota Sardenberg of Brazil. Following consultations among the members of the Council, it was agreed (see S/2005/235) that the composition of the mission should be as follows:

Brazil (Ambassador Ronaldo Mota Sardenberg, head of mission)

Algeria (Ambassador Abdallah Baali)

Argentina (Ambassador César Mayoral)

Benin (Ambassador Joël W. Adechi)

China (Ambassador Wang Guangya)

Denmark (Ambassador Lars Faaborg-Andersen)

France (Ambassador Jean-Marc de La Sablière)

Greece (Minister Counsellor Alexandra Papadopoulou)

Japan (Ambassador Shinichi Kitaoka)

Philippines (Ambassador Lauro L. Baja, Jr.)

Romania (Ambassador Gheorghe Dumitru)

Russian Federation (Ambassador Andrey I. Denisov)

United Kingdom of Great Britain and Northern Ireland (Ambassador Adam Thomson)

United Republic of Tanzania (Ambassador Augustine P. Mahiga)

United States of America (Ambassador Anne Woods Patterson)

2. The terms of reference of the mission are contained in the annex to the present report.

05-32219 (E) 100505

II. Activities of the mission

3. The Security Council undertook its mission to Haiti in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, which visited Haiti from 12 to 16 April. Some meetings were held in common, in accordance with the respective mandates.

4. The mission constituted a clear signal of the concern of the Security Council about the current crisis in Haiti and the need for both immediate action and long-term solutions to the many problems besetting Haiti and its people.

5. The mission visited the capital of Haiti, Port-au-Prince, as well as the cities of Cap-Haïtien and Gonaïves. In the capital, the mission met with the Interim President, Boniface Alexandre; the Interim Prime Minister, Gérard Latortue; the Minister of Culture and Communication, Magali Comeau-Denis; the Minister of the Interior, George Moise; the Minister for Youth and Sport, Paul Berne; the Director of the Cabinet, Jean Robert Noël; and the Director General of the Haitian National Police, Léon Charles.

6. In addition, the mission met with officials of the Provisional Electoral Council, representatives of political parties and leaders of civil society.

7. In Cap-Haïtien, the mission met with religious and political leaders — the Archbishop of Cap-Haïtien, Hubert Constant; the delegate of the North Department, Wilbert Joseph; and the Mayor, Aspile Fleurant — and received briefings from the staff (civilian, military and police) of the United Nations Stabilization Mission in Haiti (MINUSTAH) and the World Food Programme. In Gonaïves, the mission met with the delegate of the Artibonite Department, Elie Cantave; and the Director of the Haitian National Police, Artibonite Department, Joseph Gaspard Hyppolite; and MINUSTAH staff (civilian, military and police).

8. In Port-au-Prince, the mission met the members of the Core Group, chaired by the Special Representative of the Secretary-General, Juan Gabriel Valdés, and comprising the Principal Deputy Special Representative of the Secretary-General, Hocine Medili; the Deputy Special Representative of the Secretary-General, Adama Guindo; and the Force Commander, Lieutenant General Augusto Heleno Ribeiro Pereira; as well as representatives of regional and subregional organizations (Organization of American States (OAS), Caribbean Community Task Force on Haiti, European Commission), international financial institutions (Inter-American Development Bank, International Monetary Fund and World Bank) and other major stakeholders (Argentina, Brazil, Canada, Chile, France, Germany, Mexico, Spain, United States).

9. In addition, the mission met with the senior leadership of MINUSTAH, namely, the Special Representative of the Secretary-General for Haiti, Mr. Valdés; the Principal Deputy Special Representative, Mr. Medili; the Deputy Special Representative and Humanitarian and Resident Coordinator, Mr. Guindo; the Force Commander, Lieutenant General Pereira; and the Police Commissioner, David Beer; staff members in the areas of political affairs, electoral assistance, civil affairs, human rights, disarmament, demobilization and reintegration, gender, child protection, humanitarian affairs and HIV/AIDS, as well as contingent commanders and the United Nations country team. The Special Representative of the Secretary-General accompanied the mission during its visit to Haiti.

10. This is the first mission of the Security Council to Latin America or the Caribbean.

III. Findings of the mission

General

11. The mission learned that almost all national actors across the political spectrum acknowledged that Haiti was in a deep political, social and economic crisis. While welcoming the international community's interest and attention, interlocutors expressed a certain frustration that Haiti again needed to call for international assistance. This was particularly apparent in the dilemma articulated by some interlocutors regarding the need for foreign troops to help to provide stability and security, a key attribute of sovereignty.

12. While not minimizing past decisions and actions, most interlocutors pointed to poverty and unemployment as the root causes of the instability. Different perceptions were expressed on how to overcome this situation. Regardless of the approach, the mission found that there was broad agreement that a solution to the country's current situation would not be reached in the short term. While elections were seen as a first and essential step in the process, they were not seen as the comprehensive solution to the crisis. The process of stabilization and normalization in a number of areas, being addressed in parallel, would need to continue for some time. Social and economic recovery would need to be strengthened. The mission found that there appeared to be general commitment and support for those goals among national actors, but such commitment had generally not been translated into concrete actions and deliverable results. In addition, the buy-in of the population, particularly outside the capital and among the young people, was unclear. However, the mission was of the view that democratic elections seemed essential for restoring Haitian hopes and conditions and that there were opportunities in the current climate that Haiti could build upon in order to overcome the crisis.

Security

General security situation

13. The Security Council mission found that the security situation, while improved from one year and even a few weeks earlier, remained fragile and that serious incidents continued to occur. In this situation, the mission found that there was a need to continue to focus on addressing the security situation in the country in order to ensure a sustainable political transition process and socio-economic development. The mission was of the view that stability and security would need to be accompanied by stronger efforts to achieve those objectives.

14. The mission was informed by various interlocutors that elements of insecurity included violent actions by supporters of former President Jean-Bertrand Aristide; elements of the former military and armed gangs with ties to criminal elements such as drug traffickers and illegal arms dealers; and shifting affiliations. In addition, the mission learned from some interlocutors that frequent, possibly manipulated and rapidly organized demonstrations expressing political discontent also destabilized

the security situation. Haitian authorities noted that their lack of information about the people involved with those groups had complicated their ability to deal with the different elements in a fair and equitable manner. At the same time, the mission learned that a few interlocutors perceived the security situation in Haiti as less chaotic than it appeared, as generally small localized incidents were exaggerated by the media and by interested groups. The mission learned that the status of the former military, that is whether it should be incorporated into the public sector, remained a divisive issue among the major players.

15. There was awareness and criticism of the earlier inability of MINUSTAH to fully address the security situation as a result of its slow deployment and diversion of assets for other purposes such as the humanitarian disaster in Gonaïves. It was noted that some of the criticism of MINUSTAH and the Transitional Government had been exaggerated and fanned by interested groups. The mission was able to establish that the presence of MINUSTAH military and police forces was essential not only in ensuring that the situation did not deteriorate further but also in preventing further serious destabilization and assisting in the process towards normalization and stabilization.

16. It was only after MINUSTAH neared its authorized level of military and police personnel that it was able to deploy throughout the country and increasingly take a more robust approach. The overall security situation, particularly in the capital, had improved as a result of recent successes in security operations against gangs in Cité Soleil and Bel-Air; and against elements of the former military who had taken over former President Aristide's residence in the Tabarre district of Port-au-Prince, and against those who had taken over police stations in Petit-Goâve and Terre Rouge. The most recent operation undertaken by MINUSTAH in support of the Haitian National Police had resulted in the deaths on 9 and 10 April, respectively, of the leader of one of the gangs and a leader of the former military, who have both been responsible for fomenting instability in the country. The mission learned that the joint operations had successfully undermined the recent worrying alliances between illegal armed groups, that is, gangs associated with Mr. Aristide's supporters and elements of the former military. The mission was pleased to hear the positive assessment of MINUSTAH actions by Haitian authorities, who noted that the Mission had made important progress in this regard.

17. However, the killing of a MINUSTAH soldier from the Philippines on 14 April while undertaking an operation in Cité Soleil, which the mission condemned, and the earlier killings of a Sri Lankan soldier in Petit-Goâve and a Nepalese soldier in Terre Rouge, highlighted the pressing need to remain vigilant and to ensure that the situation did not deteriorate as the country entered a sensitive political period with the upcoming elections, starting with the registration of voters on 25 April.

18. The mission welcomed the more proactive posture adopted by MINUSTAH since December 2004. At the same time, the mission recognized the extremely difficult environment in which the military and civilian police operated, especially in densely populated urban areas, and that the number of tasks they were being asked to perform had stretched their capacity even in the pre-election stage.

19. The mission was informed about the challenges to be faced in addressing the security situation, including the fear of retaliation against information sources; possible collusion between illegal actors and some members of the police; the urban environment in which illegal gangs operated; and the need to enhance coordination

and cooperation. The mission did learn with concern that MINUSTAH military and police personnel felt handicapped by the lack of tactical intelligence and the possibility that existing intelligence could be tainted. While progress had been made in collecting and responding to intelligence, it could be further improved to enhance security operations. The mission learned also that the Joint Mission Analysis Cell, which would facilitate analysis of information from a variety of sources, was not yet operational. In addition, the mission was concerned to learn that tactical aviation support had been ineffective because of restrictive United Nations rules on the use of such military assets.

20. The Security Council mission welcomed the implementation by MINUSTAH of the policy of zero tolerance of sexual abuse and exploitation.

21. The mission took note in particular of the civil affairs activities undertaken by the troops, which included pilot training programmes to help people enter the labour force, waste removal, medical assistance and road reconstruction. The mission was concerned with the fact that so far the implementation of development projects was limited to a number of items. The mission was of the view that those projects were essential for the security and stabilization environment, bolstered the image of MINUSTAH in the eyes of the local population, and delivered tangible results.

Haitian National Police

22. Almost all of the mission's interlocutors stressed the importance of the professionalization of the Haitian National Police, which is the responsible authority for security and law and order in Haiti. However, the mission acknowledged that the police on their own could not yet adequately fulfil their tasks and exercise public security functions over the entire country, owing to the insufficient number of officers (although their exact number could not be established), lack of adequate training and equipment, a limited budget, and corruption. The mission expressed the view that the police should be reformed without delay.

23. The mission recognized that increased international assistance was required to implement reforms conducive to a credible, accountable and respected police force in Haiti. Moreover, professionalizing the police is a long-term task, requiring dedicated attention, organizational efforts and resources to root out corruption and counter the negative public image of the police. To promote the trust and confidence of the population in the police, many interlocutors underlined the need to ensure transparent recruitment and to vet those already in the police service, including elements of the former military. The mission found that there were a number of good officers in the national police who worked courageously under difficult circumstances. Furthermore, the Director General of the Haitian National Police suggested the implementation of a community policing approach to change the behaviour of the police, improve their image and enhance communication with the population. The mission was of the view that it was necessary to rapidly enable the national police to ensure the safety and security of all people in Haiti.

24. The mission found that, while cooperation between the national police and MINUSTAH had initially been difficult, the level and character of cooperation had improved lately. This was demonstrated by the recent joint security operations and the willingness of both sides to further improve their existing level of cooperation. The mission learned that MINUSTAH had contributed positively to the work of the

police, which was made evident, inter alia, by the growing police presence in the poorer urban neighbourhoods.

25. The mission found that MINUSTAH had a clear mandate to assist the Transitional Government in monitoring, restructuring and reforming the police, but that it was unable to make marked progress in this important area because of the ambiguous attitude of the police regarding the need to undertake serious reforms, as well as the need to divert MINUSTAH resources to operational tasks in the light of the precarious security situation. The mission noted that the vetting and certification of police officers had yet to begin, although a police development plan had recently been approved. The mission was also informed that the lack of French-speaking civilian police and specialists in MINUSTAH, such as investigators and forensic experts, had hampered the ability of the Mission to implement its mandate. There have been discussions on possible additional measures to assist the Transitional Government in the constitutional and political processes now under way in Haiti.

Disarmament, demobilization and reintegration

26. The Security Council mission found that some prerequisites for a comprehensive programme of disarmament, demobilization and reintegration were lacking. Likewise, the Transitional Government, assisted by MINUSTAH, still lacked the ability to implement an adequate programme encompassing all armed groups and individuals. Many actors stressed the importance of making progress in this area before the elections scheduled for the last quarter of 2005.

27. The unified commitment of the Transitional Government to a comprehensive approach to disarmament, demobilization and reintegration was found questionable. The mission was encouraged by the establishment of the National Commission on Disarmament, but it was concerned by the Commission's limited scope and its ambiguous attitude to addressing the issue fully, particularly vis-à-vis the former military personnel. It also found that the capacity and capabilities of the Commission would need to be enhanced. Although recognizing that the establishment of the Commission was a beginning, the mission found that it was essential that the process take place with the full buy-in of the population, particularly, but not only, with regard to disarmament, in view of the spread of small arms in the country.

28. The mission was pleased to note that MINUSTAH was supporting the Transitional Government in its efforts to launch an approach to disarmament building on socio-economic development. However, the mission was of the opinion that it was imperative to focus not only on the long-term aspects but also on the immediate need for disarmament in view of the political timetable. There was therefore, a need for a credible deterrent vis-à-vis those elements that did not wish to engage in the process, coupled with an even-handed and comprehensive application of the disarmament, demobilization and reintegration process to those willing to participate. Otherwise, the security situation could be further undermined by frustrated and discontented individuals who might abandon the disarmament, demobilization and reintegration process and even rejoin illegal armed groups. The mission condemned all violence and called on the Haitian authorities to implement as a matter of priority a comprehensive programme of disarmament, demobilization and reintegration to disarm all of the illegal armed groups, with the assistance of MINUSTAH.

29. The mission found that, while challenges remained, there were also promising signs that the attitude towards disarmament, demobilization and reintegration was evolving. The mission learned that, although there was an increased willingness to participate in a disarmament, demobilization and reintegration programme on the part of members of the former military, some were not satisfied with the benefits offered since they were primarily interested in being reabsorbed into public sector positions (especially in the national police). It was deemed necessary to provide a concrete response to the social demands of the former military, with a view to reintegrating them into the formal economy, as an essential element in the promotion of peace and stability in the country. The mission was however concerned to learn that promises had been made by the Transitional Government to members of the former military, in respect of indemnity payments, pensions and State employment, which were not linked to disarmament, demobilization and reintegration, particularly the need to disarm. Furthermore, some of the promises had not been kept. Unfulfilled promises have the potential to destabilize the situation and exacerbate frustrations and alienation. The mission welcomed the efforts of MINUSTAH to redress this situation. The mission found that to continue the incremental progress it was essential that sufficient funds be made available to allow realistic promises to be fulfilled.

Political transition

General

30. The Security Council mission found that the political situation in Haiti presented promises as well as major challenges. While the national dialogue had been formally launched less than one week before the mission's visit, the political landscape in Haiti appeared to be dominated by more immediate concerns, such as insecurity in the capital, the debate surrounding the imprisonment of the former Prime Minister, Yvon Neptune, and the former Interior Minister, Jocelerme Privert, and other controversial issues dominating the Haitian media. At the same time, practically all interlocutors stressed the importance of adhering to the electoral timetable as well as the need for an inclusive political process leading to free and fair elections.

31. The mission was struck by the complex nature of the political landscape, with some 90 registered political parties and a myriad of civil society organizations, which did not appear to have clearly identifiable political platforms for the future of the country. The mission stressed to the political leaders the need to present their long-term objectives for the country, as well as political platforms that conveyed the parties' views on how they would address pressing issues such as widespread unemployment. The mission, in the course of its visit, was informed about possible linkages between some political parties and illegal armed groups, which remain a deep source of concern, especially in view of the forthcoming electoral period. The mission was reminded of the difficulty for MINUSTAH to play a role in promoting the political transition, given the fragility of the Transitional Government, the numerous political players, and the Haitian people's strong desire to chart their own political path. Haitian interlocutors made it very clear to the mission that they themselves must take the lead in this process, a position that was supported by the mission.

National dialogue and reconciliation

32. The Security Council mission welcomed the official launching of the national dialogue by the Interim President on 7 April. It was felt among the mission's Haitian interlocutors that, for such a dialogue to be successful, deep and inclusive participation spanning the political landscape was an essential requirement. To this end, the mission emphasized that the process of dialogue and reconciliation was needed to create better conditions for long-term stability in the country, and all political actors must renounce violence to participate in the dialogue. The inclusiveness of such a dialogue was not a foregone conclusion given that Fanmi Lavalas had yet to participate in the political transition process. The Interim President reported that he had reached out to members of Fanmi Lavalas to ensure their participation in the process.

33. Despite the sharp divisiveness that characterizes the relationship between key political tendencies, the mission was reassured that none of the 20 political leaders representing some 14 political parties with whom it met disputed the fact that a "minimum consensus" was essential before elections could be held. In a similar vein, other observers noted that, given that the launch of the national dialogue coincided with the beginning of the electoral period (which is to commence with the official inauguration of the registration exercise on 25 April), there was a need to focus on a political dialogue centring on a code of electoral conduct, one of whose principles would be the renunciation of violence. Moreover, almost all interlocutors stressed that the national dialogue should continue beyond the elections and include other sectors such as social and economic actors. There was no agreement to start this broader dialogue prior to the polls, however, nor was there consensus on its shape and content. The mission heard suggestions that the earlier "political dialogue" could include substantive discussions on issues of importance for the people such as the economy, the environment, development and decentralization, to at least start the process of engagement prior to the elections. During the mission's visit to Cap-Haïtien, its interlocutors noted the need to ensure that the dialogue included the regions outside the capital. The Archbishop of Cap-Haïtien delivered to mission members a letter from the Conférence épiscopale d'Haïti that called for peaceful transition towards democracy as well as for social and economic development.

Electoral process

34. Given the turbulent political history of Haiti, the need to ensure the credibility and integrity of the electoral process was paramount in the mission's discussions. The mission recognized the widely shared view that the election timetable must be adhered to, and was reassured by the strong commitment expressed by the Haitian interim authorities to conduct free and fair, transparent and inclusive elections with a view to transferring power to elected authorities on 7 February 2006, as scheduled. Along these lines, the Interim President and the Interim Prime Minister stressed that the return of Haiti to constitutional rule through the election of a legitimate and democratic government was an essential foundation for the future stability and development of the country. Both mission members and their interlocutors showed a clear awareness that many long-term, structural problems would persist in Haiti even after the newly elected authorities took office, but they were confident that a new democratic climate would significantly facilitate the resolution of those problems.

35. At the same time, the mission was reminded of the considerable challenges to be faced in conducting elections in the country, where electoral fraud and violence have been standard and recurrent features. In fact, all the interlocutors stressed to the mission the need for close — and sustained — international engagement throughout the electoral process. The members of the Transitional Government requested that the international community "supervise" the entire electoral process, including dispatching international observers at all stages (registration, voting, counting of votes and announcement of the winners), until the post-transition Government assumed its responsibilities.

36. Given the still precarious situation in Port-au-Prince and the lack of progress in disarmament at the national level, security for the electoral period was a prominent theme throughout the mission's discussions with its interlocutors. Members of the Provisional Electoral Council reminded the mission of their own vulnerability, noting that the Council's headquarters had been attacked twice during the week the registration was originally scheduled to begin. Moreover, members of the Electoral Council expressed deep concern that any attacks against civilians early in the registration period could severely undermine any efforts to encourage potential voters to participate in the electoral process. Reflecting such a concern, a religious leader stressed that electoral participation in Haiti should not require people to put their lives at risk to exercise their right to vote.

37. The Interim Prime Minister proposed that the security arrangements be reinforced during the electoral period, including through the deployment of additional French-speaking MINUSTAH civilian police officers. The mission noted that there was a plan to recruit and train electoral security assistants to provide security to the registration centres and subsequently to the polling stations, but many interlocutors felt that this would be insufficient and that MINUSTAH military and police forces would still need to provide security at the polling stations. The mission welcomed the participation of MINUSTAH in the electoral security commission created by the Interim Prime Minister, which brings together representatives from the Provisional Electoral Council, the national police and the Transitional Government.

38. The mission was also made aware of technical issues that could hamper the conduct of free and fair elections. In particular, some provisions made in the electoral decree of January 2005, including a stipulation allowing an appeal to be made to the Supreme Court, could create considerable delays, not to mention undermining the independence of the Provisional Electoral Council vis-à-vis other sectors of the Government. In addition, the possible discrimination against independent candidates was a cause for concern. Furthermore, additional legislation that would, inter alia, provide public funding for political parties and establish a new national identity card remains pending, and its early adoption is urgently required if the electoral process is to be properly observed.

39. The mission also voiced concern that many logistical aspects of organizing elections, arising in part from the lack of capacity of the Provisional Electoral Council, could possibly complicate the timely preparation of the elections. For example, the registration of voters had already been delayed; one Electoral Council official suggested that the exercise could begin in provinces where the security situation was perceived to be better. Conducting credible elections for an estimated 4.25 million voters in a country where there is no infrastructure (roads and

electricity) and no existing voter list is a major challenge. One interlocutor frankly pointed out that there could be 100,000 candidates throughout the country if the estimated 90 political parties fielded 10 candidates each. Finally, the mission was informed that there was a $22 million deficit in the budget for the elections, which would have to be covered to meet urgent immediate needs such as the infrastructure and logistical requirements for the registration centres and equipment, electoral security and civic education.

40. The logistical and practical challenges of preparing for elections were evident during the mission's trip to Gonaïves. Mission members were informed that while the Artibonite Department should have some 60 registration centres, only one centre had been established. A similar situation was found in Cap-Haïtien. The Organization of American States, which is responsible for conducting the registration exercise and creating a permanent voter roll, was expected to install the necessary equipment at all registration sites for the launch of the nationwide registration process on 25 April.

41. Given the country's historical background, many Haitians remain sceptical about the prospects for the forthcoming elections. Several actors repeatedly stressed that elections were only one of numerous steps to be taken in building a democratic society. Some were concerned that the elections might simply pave the way for a new "dictatorial era" if nothing was done to reform the judicial sector and the State apparatus. Others raised the difficulty of ensuring inclusivity, given the polarized political landscape. The mission is firmly of the view that the Haitian people need to be informed that the elections will lead to significant change. It is clear that, for the elections to be successful, people will need to be psychologically prepared to participate. Numerous interlocutors stressed the need for civic education at all levels and to reach out to all sectors of the population, particularly the youth. Political leaders, for their part, must prepare the ground for free and fair elections, commit themselves to peacefully accepting the results, and assume the responsibility of meeting voters' expectations in the post-electoral period. The mission called upon all leaders of the country to take full responsibility for the sovereign affairs of Haiti and fulfil their responsibility for improving the lives of their constituents once they are elected to office.

Human rights

42. The mission was struck by statements by interim authorities that no human rights violations in the country were committed by the State. The mission conveyed to the Transitional Government the message that respect for human rights standards contributed to reinforcing stability and security, and expressed the opinion that all actors should abide by those standards. Nevertheless, the mission received reports that a culture of impunity remained pervasive, marked by arbitrary arrest, wrongful detention, inhumane prison conditions, excessive use of force, and extrajudicial executions. As a result, the population continues to view the national police with fear and lack of respect. The mission learned that the commission that should investigate allegations against the police had yet to be established.

43. The mission was informed that human rights investigations, including those conducted by MINUSTAH, were hampered by the instability of the situation and the security concerns of victims and witnesses. It had also proved difficult to engage the

national police in human rights investigations in the light of their image in the eyes of the population and the ambiguous attitude of the Transitional Government, as indicated above. In this regard, it was suggested that a national procedure could be established for the filing of complaints against members of the national police or the international civilian police. Other challenges were noted, such as the national capacity to effectively uphold human rights and the over-reliance on MINUSTAH civilian police and the national police in the conduct of such investigations.

44. The assessment of the situation of the former Prime Minister, Yvon Neptune, raised concerns that, until the judicial system in Haiti was reformed (see below), human rights violations, specifically in terms of due process, would continue. The mission stressed that it was necessary to encourage efforts to expedite pending cases. It found a need for creative means to address this situation within the rule of law and with full respect for the independence of the judiciary so that the law itself did not facilitate such violations. With regard to Mr. Neptune, national interlocutors explained that he could not be released until he appeared before a judge and presented his case. The mission welcomed the information that the Transitional Government would follow the advice of Louis Joinet, the independent expert on the situation of human rights in Haiti appointed by the Secretary-General, in addressing Mr. Neptune's situation.

Social and economic development

45. Virtually all Haitian interlocutors identified themselves with the statement of a Transitional Government official that poverty is "the underlying root of unrest in Haiti", as well as the consensus view that there could be no genuine stability in the country without the strengthening of its economy. Both the Haitian interlocutors and the mission stressed the need for a long-term strategy to promote development and combat poverty. In cooperation with the donor community, the Transitional Government has developed an interim poverty reduction strategy, the Interim Cooperation Framework. All interlocutors underlined the need to accelerate and streamline donor funding in order to visibly improve living conditions for the Haitian population, and to ensure that the Transitional Government had the capacity to develop and implement projects. They welcomed the implementation of the projects identified by the recent international conference held in Cayenne, which were selected according to their ability to rapidly disburse funds and to respond to the most urgent needs of the population in such fields as road-building, electricity generation, governance and access to basic services.

46. At his meeting with the mission, the Interim Prime Minister underlined the need for Haitian priorities to be taken into account, donor funds to be spent within Haiti, and tangible improvement in the country's basic infrastructure, particularly electricity, the exploration of renewable sources of energy such as solar, wind and water power, and the development of the country's 3,000 kilometres of roads, which would facilitate the growth of the agricultural sector in the north and allow farmers to bring goods to market. For his part, the Interim President cited as priorities the development of the agricultural sector through irrigation resources, the building of roads and electricity generation, and the need to combat deforestation and environmental degradation.

47. While it shared the view that the Haitian people should see tangible results from the Interim Cooperation Framework, the mission was reminded of the enormous development challenges in Haiti which, in fact, represent a situation worse in many aspects than in countries that have undergone years of conflict. The mission was informed that, owing to the country's dire economic, social and political plight, there was little hope that Haiti — where public health indicators are the worst in the region, life expectancy is 50 years and infant mortality is 80 per 1,000 — would achieve any of the United Nations Millennium Development Goals until 2015, unless a focused and urgent international cooperation initiative were launched for that purpose. At the same time, the mission is convinced that short-term economic progress is not only possible but also essential in the lead-up to the elections, provided that rapid disbursement of donor funds is ensured and projects are agreed upon with Haitian priorities in mind.

48. The mission was also briefed on additional ways in which MINUSTAH implements the integrated mission concept with a view to promoting long-term development in collaboration with United Nations agencies. Five main areas of cooperation were cited, namely, disarmament, justice, elections, national dialogue and child protection. Other areas highlighted were the work of UNICEF and MINUSTAH to combat child trafficking in Haiti, a country where about half of the population is under 15, as well as the efforts of a network of United Nations agencies working on women's issues. On the latter, the mission acknowledged that the current climate of violence, insecurity and impunity marginalized Haitian women in their daily lives and, in particular, left them vulnerable to sexual violence.

Humanitarian situation

49. The mission was reminded that, like many Caribbean countries, Haiti is highly exposed to natural hazards such as hurricanes, floods, earthquakes and landslides. In the case of Haiti, however, unlike its neighbours, a high degree of vulnerability — due to poverty, environmental degradation, political and social instability and heavy population density — creates scenarios for frequent large disasters. The mission was briefed on an array of lessons learned from the efforts of MINUSTAH to address the natural disasters that struck Haiti in 2004, particularly the tropical storm that hit Gonaïves in September 2004, such as the need for pre-positioned emergency stocks, early-warning systems and rapid-reaction capabilities.

Institution-building and extension of State authority

50. The mission found that the State institutions in Haiti at all levels remained weak and in urgent need of reform and capacity-building. Some interlocutors said that State institutions faced continuing problems of corruption, lack of capacity of the civil service, absence of transparency and accountability and lack of necessary equipment. The population was also seen as alienated from the administration, leading to poor governance, which contributed to the country's current situation. At the same time, the mission found that progress had been achieved in key sectors such as addressing the deficit in the budget through improvements in fiscal procedures and governance. In essence, the mission considered that a modern public administration did not yet exist in the country.

51. The mission saw a huge divide between the capital, Port-au-Prince, and the outlying regions. Gonaïves, for example, has not had a serving mayor since December 2004. In addition, it is without a functioning civil administration and characterized by absentee personnel who ironically receive their salaries while the city could not even allocate a budget for public services or capital improvement.

52. The mission learned that the judicial system remained dysfunctional and that Haitians perceive it to be corrupt and inefficient. Furthermore, some interlocutors pointed to the outdated legal codes and the process of appointing judges, as well as their low salaries and lack of training, as among the factors that have contributed to the present state of the judicial sector. In addition, the mission learned that almost all of the detainees held prior to the breakout of 19 February at the National Penitentiary had long been in pre-trial detention and had not yet been heard by a judge. The mission also learned that the judicial system lacked basic equipment and infrastructure and had lost archival documents during incidents of unrest.

53. The problems in the justice and penal systems had compounded the human rights situation — for example, the arrest of suspects who were held in poor conditions and without trial for prolonged periods — and negatively affected the reconciliation process. The mission found that, for the police to operate effectively and in compliance with human rights standards, and to address the security situation, the judicial and penal systems needed to be reformed. This was seen as an urgent task facing Haiti. The mission expressed support for the collaborative efforts of MINUSTAH and UNDP to assist the Transitional Government in this regard and also expressed the willingness to examine corresponding measures, such as the establishment of a prison registry.

54. The mission learned of the need to undertake disarmament, demobilization and reintegration in the context of an overarching security sector reform encompassing the police and the judicial and penal systems, and the need to enact legislation to control small arms and the private security sector.

55. The mission found that many national and international interlocutors pointed to the negative and sensationalist role played by the media in Haiti. The mission found that capacity-building in the Haitian media might promote the political transition process as well as the security and stability of the country.

Regional relations

56. The Security Council mission was concerned to learn that relations between Haiti and the Caribbean Community (CARICOM) remained difficult. However, it welcomed the initiative of the Foreign Minister to try to revive relations on a bilateral basis. The mission welcomed the commitment of CARICOM to assist in the electoral process. The mission also welcomed the information provided by the Haitian authorities that it had good relations with the Dominican Republic, particularly their joint aim to address the migration of Haitians to the Dominican Republic through enhanced border control and joint projects to address economic development issues.

57. The mission took note of the extensive assistance being provided by OAS in the preparation of the elections. OAS has taken on the responsibility of supporting the Provisional Electoral Council in conducting the registration of voters by

designing a comprehensive system. The mission noted that the task that OAS had taken on was the underpinning of the electoral process, and it was essential that OAS, in support of the Electoral Council, ensure a successful and timely implementation of the exercise.

58. The mission welcomed the concrete demonstration of support and leadership by the countries of Latin America to Haiti through their substantial contribution of troops and police, as well as continued political engagement.

MINUSTAH

59. The Security Council mission found that, although MINUSTAH had deployed slowly, it was now working well, despite difficult circumstances. The mission welcomed the significant work undertaken by MINUSTAH to date, while recognizing that many challenges remained.

60. The mission found that there were differing views within the population on the performance of MINUSTAH although, on balance, it was viewed in positive terms. Interlocutors focused on the improvements made in recent months in a number of areas, particularly security. It was generally recognized that MINUSTAH could do more in such areas as reform of the national police and disarmament, demobilization and reintegration. The mission found, on its visit to Cap-Haïtien, that the national interlocutors welcomed the efforts made by MINUSTAH on behalf of Haiti, contrasting with some assessments heard in the capital.

61. Some interlocutors expressed concern, however, about the need to ensure that international assistance including economic cooperation took into account the specific complexities of Haiti, especially in view of the perceived failure of previous United Nations missions in the country. Some interlocutors warned against applying international model approaches in Haiti. The mission is aware that MINUSTAH is cognizant of this fact and has made efforts to ensure that the solutions proposed are tailored to the unique situation. The mission also found that MINUSTAH was willing to act and to apply lessons learned.

62. Some interlocutors expressed confusion about the mandate of MINUSTAH. The mission believes that MINUSTAH needs to urgently design a communications strategy and to enhance its relations with the public. This would allow MINUSTAH to better communicate its mandate and role in Haiti to ordinary people and to counter false propaganda. Such a proactive information strategy will become even more essential during the electoral process.

63. The mission took note of the request from Haitian authorities that the mandate of MINUSTAH be extended for a period of 12 months so that the mandate renewal did not occur in the middle of the electoral process. Some authorities requested that it be extended until after the handover of power to the new government in order to bolster the confidence of the people.

IV. Recommendations

Introduction

64. The visit of the Security Council mission provided an excellent opportunity to have direct talks with a broad spectrum of political, religious and civil society actors in Haiti. In-depth discussions with MINUSTAH personnel helped the mission enhance its understanding of the work of MINUSTAH in discharging its mandate.

65. It is a sensitive time in Haiti — perhaps a decisive turning point in the country's history. The United Nations is in Haiti to help Haitians achieve their goals of stability and peace, meet their immediate social and economic requirements, and assist them towards the road to sustainable development while remaining respectful of the sovereignty of Haiti. The holding of the elections late in 2005 represents the immediate challenge for the Haitians and the international community. The Haitian authorities and the international community should continue, in parallel, to prepare for medium- and long-term institution-building and development.

66. The international community is committed to supporting Haiti, but it cannot and should not act in its stead. Therefore it calls on Haitians themselves, particularly the Transitional Government, to assume their State responsibilities and take advantage of this historic opportunity, thus taking full ownership of their future.

Elections

67. Free, fair and inclusive elections must be held in 2005 in accordance with the established timetable, and the results respected by all actors. The Security Council mission recalls that, in accordance with the Haitian Constitution, democratically elected authorities must take office on 7 February 2006.

68. The mission stresses that there is no alternative to elections. The mission urges Haitian authorities to do everything possible to prepare for elections and to ensure their smooth operation. The Council should closely evaluate the preparation of the elections on a regular basis to ensure that it remains on track.

69. Elections should be open to all political parties that publicly renounce violence.

70. It is essential that sufficient funds be identified to conduct safe and successful elections. The mission urges MINUSTAH, through its work with the Provisional Electoral Council, to provide donors with a detailed and justified budget outlining priorities within and among budget items, as well as an integrated timeline for the conduct of all electoral activities. The Council encourages timely disbursement of already committed funds.

71. The mission emphasizes the need for MINUSTAH and the Transitional Government to commence with all speed a broad-based civic education programme so as to ensure the broadest possible participation of the Haitian population.

72. The mission is of the opinion that there is an urgent need (a) to work with the appropriate Haitian authorities in order that an international coordinated presence be enabled to help to ensure that the registration and voting processes conform with democratic standards; and (b) to establish appropriate arrangements for international electoral observation.

Security

73. The mission expresses concern as to whether sufficient resources will be available to ensure security during the election period. The members request the Department of Peacekeeping Operations to (a) make a comprehensive review of the security situation on the ground and of the resources that currently belong to MINUSTAH; (b) make early recommendations on the need for additional police and military resources once they reach the ceilings established in Security Council resolution 1542 (2004); and (c) make recommendations to improve the rules of engagement of the civilian police in accordance with the mandate to provide, inter alia, operational support to the Haitian National Police, in order to increase global security and protection in view of and during the electoral period.

74. MINUSTAH must continue to support the Transitional Government to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place. Such measures include refining the coordination procedures between the national police and MINUSTAH. The mission also stresses the need to ensure better coordination between the MINUSTAH civil police and military components.

75. To better enhance those objectives the mission stresses the need to make the Joint Mission Analysis Cell operational as soon as possible in order to pool and better operationalize the information available to the MINUSTAH military, police and civilian components.

76. The mission urges the Department of Peacekeeping Operations to take all necessary measures to ensure the use of aviation assets in an efficient and effective manner in support of security operations.

National dialogue

77. The mission believes that the political dialogue initiated recently by the Transitional Government with the support of MINUSTAH must focus on the needs for the upcoming elections, and must be pursued vigorously and with broader grass-roots participation. The Council also supports a long-term dialogue, to be participated in by all sectors of Haitian society, aimed at developing a common vision for the future of Haiti.

Disarmament, demobilization and reintegration

78. The mission concluded that Haitian authorities, supported by MINUSTAH, should implement without delay the programme of disarmament, demobilization and reintegration proposed by MINUSTAH in February. Furthermore, there is a need to clarify without delay the intention of the Transitional Government vis-à-vis the status of former military personnel, and for payments to any groups to be made only as part of a comprehensive disarmament programme.

79. The mission expressed concern about the reported funding gap for disarmament, demobilization and reintegration, and calls upon MINUSTAH and the Department of Peacekeeping Operations to provide detailed information to the Security Council on whether further international resources are required to ensure early progress on disarmament, demobilization and reintegration, particularly the reintegration component. The mission understands that it is essential that the donor

community provide the necessary resources for disarmament, demobilization and reintegration, taking into account the above-mentioned information.

Haitian National Police

80. The mission stresses the urgency of accelerating the reform of the Haitian National Police so that they can establish the trust of Haitian citizens and be counted upon to provide public security in Haiti. Such reform should be planned and executed by the Transitional Government with the support of MINUSTAH and bilateral partners.

81. To this end, MINUSTAH should work with the Transitional Government to establish and publish a provisional desired end state (size and standards, inter alia) for the Haitian National Police and a programme (timetable and resources, inter alia) for getting there.

Institutional development

82. The mission stresses the importance of rebuilding Haitian institutions, many of which are barely functioning, like the judicial and penal systems, so that the population can gain trust in the State structures. The mission calls upon the international community to provide assistance to that end, including for capacity-building.

83. The mission recommends strongly that additional measures to assist the judicial system be examined with the Haitian authorities, and that the mandate of MINUSTAH be amended to allow international experts to participate and assist in this effort as may be required.

Human rights

84. All actors must abide by human rights standards, without exception. Combating impunity and promoting respect for human rights are urgently demanded by both the Haitian people and the international community. The mission urges Haitian authorities to address, as a matter of priority, the most flagrant, sensitive or visible cases, including by investigating alleged human rights violations by the Haitian National Police. The international community is committed to ensuring the end of impunity in Haiti, while promoting due process and the rule of law. There can be no trust and reconciliation while human rights violations continue.

Development and humanitarian assistance

85. The mission is of the opinion that pervasive poverty is an important root cause of unrest in Haiti, and stresses therefore that there can be no genuine stability in the country without the strengthening of its economy.

86. The mission renews its appeal for the accelerated disbursement of the funds pledged by international financial institutions since the International Donors Conference on Haiti of July 2004, and strongly supports the Cayenne follow-up donor conference to be held, preferably, no later than July. The Council also emphasizes the need to urgently implement highly visible quick-impact projects that have the ability to deliver immediate benefits to the population. It calls on all donors to resume full cooperation with Haiti by, inter alia, examining the possibility of

supporting such priority areas identified by the Transitional Government as infrastructure, energy and the environment.

87. The mission found that there is a need for increased coordination between MINUSTAH and the various development actors in Haiti. This would ensure higher efficiency of the development efforts, especially in the poorest areas.

Public relations

88. In order to improve the Haitian population's understanding of the mandate of MINUSTAH and its role in Haiti, the mission recommends that MINUSTAH urgently develop and implement a proactive communications and public relations strategy.

89. The mission reiterates its commitment to assist the Haitian people in their quest to achieve stability and development in Haiti. To do so, the mission reaffirms the view of the Council that a long-term United Nations presence in Haiti is required.

Ad Hoc Advisory Group of the Economic and Social Council

90. The mission welcomed the opportunity to undertake this visit in conjunction with the Ad Hoc Advisory Group of the Economic and Social Council, and it looks forward to continuing its collaboration so that immediate and medium-term measures provide the basis on which long-term development can occur.

* * *

91. The mission wishes to express its appreciation to the interim Government and people of Haiti for their support and willingness to share with the mission their perceptions and suggestions for the future of their country. The mission is also very grateful to the Special Representative of the Secretary-General, Juan Gabriel Valdés, his senior management team and the staff, contingents and civilian police of MINUSTAH for their tireless support and work to make the mission a success in a challenging environment. The mission wishes to thank UNDP and other United Nations agencies for the involvement in the visit, as well as the Secretariat staff who accompanied the mission for their professionalism and support.

Annex

Letter dated 31 March 2005 from the President of the Security Council addressed to the Secretary-General*

I have the honour to inform you that the members of the Security Council have decided to send a mission to Haiti from 13 to 16 April 2005, which I will lead as head of mission. The members of the Council have agreed on the terms of reference of the mission, a copy of which is enclosed herewith.

The composition of the mission will be forwarded to you shortly.

The mission will be held in conjunction with the mission of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council.

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ronaldo Mota **Sardenberg**
President of the Security Council

* Previously circulated under the symbol S/2005/220.

Terms of reference for the Security Council mission to Haiti, 13-16 April 2005

1. The Security Council has decided to organize a mission to Haiti led by Brazil, in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council. The visit will take place from 13 to 16 April 2005.

2. The mission has the following objectives:

(a) To convey the following message to local actors:

(i) To express its full support for the United Nations Stabilization Mission in Haiti (MINUSTAH) and for the United Nations presence in Haiti as long as necessary;

(ii) To underscore the long-term commitment of the international community to stabilization and development in Haiti, and the need for continuing support of international and regional organizations to that end;

(iii) To underline the leading role and the responsibilities of the Transitional Government in its efforts to attain those objectives;

(iv) To stress the need for improved coordination between the Transitional Government and MINUSTAH to ensure security. To reaffirm and commend the continuing support of MINUSTAH for the efforts of the Transitional Government;

(v) To reiterate the need to reject violence, to respect human rights and to fight against impunity;

(vi) To call upon all parties to engage fully in the electoral process according to the calendar proposed by the Provisional Electoral Council and to support the holding of free and fair elections, at both the local and national levels, during 2005 and the subsequent transfer of power to the elected authorities;

(vii) To stress the utmost importance of the immediate launch of an inclusive national dialogue based on the ownership of the Haitian people;

(viii) To convey the determination of the Security Council to see that all pledged funds are promptly disbursed;

(b) To assess the level of coordination of MINUSTAH in each aspect of its mandate, and between the capital and the outlying regions of Haiti;

(c) To review the progress achieved so far and to assess the needs and requirements in the following areas:

(i) Security:

a. Police. To assess the current situation of the Haitian National Police and mechanisms for its reform and the creation of a credible, accountable and respected police force;

b. MINUSTAH. To assess the implementation of the MINUSTAH security mandate and the way ahead, taking into account the current capacity of the Haitian National Police and enhancing its coordination with MINUSTAH;

c. Disarmament, demobilization and reintegration. To evaluate steps towards the implementation of a disarmament, demobilization and reintegration programme that addresses all illegal armed groups in a comprehensive manner, including its legal basis, actions to be taken by the Transitional Government and measures requiring immediate implementation, including by MINUSTAH;

(ii) Political transition:

a. Reconciliation. To assess the status of the national dialogue and the steps to be taken by the Transitional Government, with assistance from MINUSTAH, in this regard;

b. Elections. To assess the state of planning and implementation of the electoral process and to ensure that the elections are held as scheduled;

(iii) Human rights. To assess the human rights situation, including the activities of the Haitian National Police, cases of unlawful detention and the special needs of women and children;

(iv) Development:

a. To assess and encourage the implementation of quick-impact projects that have a direct impact on the well-being of Haitians, in particular those living in the poor urban areas;

b. To explore ways, in coordination with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, to assist the Transitional Government in the preparation and implementation of development projects in Haiti, as outlined in the Interim Cooperation Framework, and in the establishment of a long-term development strategy;

(v) Institution building. To analyse the evolution of projects and programmes in Haiti concerning the rule of law and security sector reform, including that of the judiciary and of correctional institutions, as well as to assess current needs and challenges in those areas;

(vi) Humanitarian situation. To evaluate the humanitarian situation.